



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes PLANNING COMMISSION

*Bob Kinney - Chairman*  
*Jay Davis, Ward 1*  
*Frasure Hunter, Ward 2*  
*Hicks Poor, Ward 3*  
*Byron "Tee" Anderson, Ward 4*  
*Brenda McCrae, Ward 5*  
*Stephen Diffley, Ward 7*

---

Tuesday, April 3, 2018

6:00 PM

City Hall Council Chambers

---

*Present: Bob Kinney, Jay Davis, Byron "Tee" Anderson and Brenda McCrae*

*Absent: Frasure Hunter, Hicks Poor and Stephen Diffley*

*Staff:*

*Rusty Roth, Director, Development Services*

*Shelby Little, Planning & Zoning Manager*

*Jasmine Chatman, Planning & Zoning Administrator*

*Sarah Hegener, Associate City Attorney*

*Ines Embler, Secretary to the Board*

### CALL TO ORDER & ROLL CALL:

*Chairman Kinney called the April 3, 2018 Planning Commission Meeting to order at 6:00PM.*

*Sarah Hegener, Associate City Attorney, explained the rules and procedures used in conducting the public hearings.*

### MINUTES:

**20180329**

#### **March 6, 2018 Regular Planning Commission Meeting Minutes**

#### **Review and Approval of the March 6, 2018 Regular Planning Commission Meeting Minutes.**

*Mr. Davis made a motion, seconded by Mr. Anderson, to recommend approval of the Planning Commission Work Session and Planning Commission Meeting Minutes as submitted. The motion carried 4-0-0. Mr. Hunter, Mr. Poor and Mr. Diffley were absent.*

**Approved and Finalized**

Absent: 3  
Vote For: 4  
Vote Against: 0

**REZONINGS:****20180241      Z2018-13 [SPECIAL LAND USE PERMIT] EDWARD ZHIGAYLO  
(JOPOLL HOLDINGS, LLC)**

**Z2018-13 [SPECIAL LAND USE PERMIT] EDWARD ZHIGAYLO (JOPOLL HOLDINGS, LLC) is requesting a Special Land Use Permit for a junk yard, zoned LI (Light Industrial), located in Land Lot 659, District 17, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia, and being known as 2012 Airport Court. Ward 7A.**

*File number Z2018-13 was presented by Ms. Little for a Special Land Use Permit for a junk yard, zoned LI (Light Industrial), located in Land Lot 659, District 17, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia, and being known as 2012 Airport Court.*

*A public hearing was held.*

*Mr. Joshua Polley and Mr. Jason Meadows, are requesting a Special Land Use Permit for a junk yard, zoned LI (Light Industrial), located in Land Lot 659, District 17, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia, and being known as 2012 Airport Court.*

*There was no opposition to this request.*

*Ms. McCrae asked if there was plumbing in the building and how are things disposed of. Mr. Polley said there is plumbing in the office building. He said items are sorted and put in containers. The containers are emptied when they are full, on average in 7-10 days.*

*Mr. Anderson asked if they have had any issues with flooding. Mr. Polley said it gets a little muddy in the back area, but it has not flooded.*

*Chairman Kinney asked if the buildings are on the highest point on the property, how long they have been there and who the previous tenants were. Mr. Polley affirmed that the buildings are on the highest point; they have been tenants since mid-December (around 4-5 months). He believes the previous tenants were the actual landlords and they had a special land use permit for an auto salvage yard.*

*Chairman Kinney asked how many employees they have and how many are fulltime on site. Mr. Polley said they have ten (10) employees and there is one (1) fulltime person plus the two of them.*

*Chairman Kinney asked if the warehouses are sprinklered and Mr. Polley was not aware.*

*Chairman Kinney recommended they look into it for safety reasons. He advised that they be very careful what they store inside if the buildings are not sprinklered.*

*Ms. McCrae asked how many vehicles they have and how often they are used. Mr. Polley said they have four (4) vehicles and they run six (6) days a week.*

*The public hearing was closed.*

*Mr. Anderson made a motion, seconded by Ms. McCrae, to recommend approval as submitted with the following variance. The motion carried 4-0-0.*

*If Council approves the rezoning, the following variance would be incorporated as conditions of zoning:*

*Variance to allow junk storage and parking of service vehicles, including vehicles to pick up and drop off materials, on a gravel surface. [Section 716.08 (A) & (B)]*

**Recommended for Approval**

**Absent: 3**

**Vote For: 4**

**Vote Against: 0**

**20180238**

**Z2018-14 [REZONING] MARK SWANN**

**Z2018-14 [REZONING] MARK SWANN is requesting the rezoning of 0.33 acres located in Land Lot 1090, District 16, Parcel 0600, 2nd Section, Marietta, Cobb County, Georgia, and being known as 604 Seminole Drive from OI (Office Institutional) to LI (Light Industrial). Ward 5B.**

*File number Z2018-14 was presented by Ms. Little for a request to rezone property known as 604 Seminole Drive from OI (Office Institutional) to LI (Light Industrial).*

*A public hearing was held.*

*Mr. Mark Swann and Mr. Carson Gibson are requesting to rezone property known as 604 Seminole Drive from OI (Office Institutional) to LI (Light Industrial).*

*There was no opposition to this request.*

*Chairman Kinney asked if there was a possibility that the trucks may not return empty and Mr. Gibson said it depends on the time of day; some may return with debris in them.*

*Ms. McCrae asked what the hours of operation are and what kind of material is in the trucks. Mr. Gibson said the materials vary. It's usually residential or commercial debris, but never garbage. They operate Monday through Friday 8:00AM to 4:00PM.*

*Chairman Kinney suggested the possibility of leaving the rezoning OI (Office Institutional) with an additional use of parking empty trucks behind and asked if they are roll-offs as well and if the containers will be on the ground. Mr. Gibson said that some of them do roll-off and they may sit on the ground sometimes while in transition. Mr. Swann said there are only two spare containers.*

*Chairman Kinney asked if they could live with the restriction that trucks and containers stored out back will have to be empty at all times. Mr. Gibson hesitated, but agreed.*

*The public hearing was closed.*

*Chairman Kinney made a motion, seconded by Ms. McCrae to recommend the zoning remain OI (Office Institutional) with an additional use of truck parking (to remain empty) in the rear and the variances included in the staff report. The motion carried 4-0-0.*

#### **Recommended for Approval as Stipulated**

**Absent: 3**  
**Vote For: 4**  
**Vote Against: 0**

**20180283**

#### **Z2018-15 [REZONING] JAMES E. COX & YANIV REGEV**

**Z2018-15 [REZONING] JAMES E. COX & YANIV REGEV are requesting the rezoning of 0.52 acres located in Land Lot 1088, District 16, Parcel 0108, 2nd Section, Marietta, Cobb County, Georgia, and being known as 272 Chicopee Drive from R-3 (Single Family Residential - 3 units/acre) to R-4 (Single Family Residential - 4 units/acre). Ward 4B.**

*File number Z2018-15 was presented by Ms. Little for a request to rezone property known as 272 Chicopee Drive from R-3 (Single Family Residential - 3 units/acre) to R-4 (Single Family Residential - 4 units/acre).*

*A public hearing was held.*

*Mr. Yaniv Regev and Mr. James E. Cox are requesting to rezone property known as 272 Chicopee Drive from R-3 (Single Family Residential - 3 units/acre) to R-4 (Single Family Residential - 4 units/acre).*

*There was no opposition to this request.*

*Chairman Kinney asked if basically he was looking to get things straightened out so that he could build a house and Mr. Cox affirmed.*

*Chairman Kinney expressed concern over rezoning saying that the property would stand*

out as the only one in the neighborhood with a different zoning. He said a pragmatic way of doing what Mr. Cox needs to get done was to keep the property as R-3 (Single Family Residential - 3 units/acre) and add a variance. He asked Ms. Little to explain further. Ms. Little explained that they could leave the property zoned R-3 (Single Family Residential - 3 units/acre) and add a variance to permit an increase in density. Mr. Cox and Mr. Regev said that would be acceptable to them.

The public hearing was closed.

Mr. Davis made a motion, seconded by Mr. Anderson, to recommend that the zoning remain R3 (Single Family Residential - 3 units/acre) with a variance to permit an increase in density. The motion carried 4-0-0.

**Recommended for Approval as Stipulated**

Absent: 3  
Vote For: 4  
Vote Against: 0

**ADJOURNMENT:**

The April 3, 2018 Planning Commission Meeting adjourned at 6:24PM

  
ROBERT W. KINNEY, CHAIRMAN

  
INES EMBLER, SECRETARY